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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

SHANNON, MICHAEL R

ART UNIT PAPER NUMBER

2614

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,373

Applicant(s)

KUBISCHTA ET AL.

Examiner

Michael R Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020403, 20010917.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-12, and 14-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson US patent 5,710,605, cited by applicant.

Regarding claim 1, the claimed entertainment device is met as follows:

- The claimed remote control for an interactive television system is met by the remote control of Fig. 1. The remote control serves to control the operation of a television and perhaps a videocassette recorder.
- The claimed wireless receiver integrated with the remote control to receive television program schedule information from the interactive television system is met by the radio receiver 122 [Fig. 6], which can receive programming information via free space [col. 7, lines 14-22].
- The claimed display device integrated with the remote control to display the television program schedule information is met by the LCD Screen 20 [Fig. 6], which serves to display the programming information [col. 5, lines 19-27].

Regarding claim 2, the claimed processor integrated with the remote control to generate an electronic programming guide from the television program schedule

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information to display on the display device is met by the processor 110 [Fig. 6], which serves to generate the programming information display from the input data [col. 6, lines 58-64].

Regarding claim 3, the claimed:

- Electronic programming guide (EPG) further comprising at least one indication of a television program is met by the television schedule, as discussed in column 5, lines 19-27.
- Wireless transmitter integrated with the remote to transmit a control signal to the interactive television system in response to a user selection of a television program from the electronic programming guide is met by the transmitter circuit 120 [Fig. 6], which serves to send wireless commands to the television [col. 6, line 65 – col. 7, line 4].

Regarding claim 4, the claimed control signal being configured to cause a television to display the selected television program is met by the control of the television by the remote control, as discussed in column 7, lines 4-10.

Regarding claim 5, the claimed interactive television system including a set-top box (STB) with the wireless receiver integrated with the remote control capable to receive the television program information from the set-top box is met by column 7, lines 14-22, wherein Nelson discusses the user of a radio receiver 122, which can provide the programming information from the remote supplier (the STB).

Regarding claim 6, the claimed remote control being couple-able to a network, with the remote control capable to receive the television program schedule information

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from the network is met by the electronic modem 12, securable to a telephone line for downloading EPG information [col. 5, lines 14-27].

Regarding claim 8, the claimed display device comprising part of a computer is met by the remote control LCD Screen 20 as pictured in Figure 1 and Figure 6, the remote serves as a small computer, including a processor, memory, modem, input and output interfaces and power.

Regarding claim 9, the claimed intermediary unit to transcode the television program schedule information received from the network from one format to another format is met by the microprocessor 110 [Fig. 6], which converts the received EPG data (received from the modem or the radio receiver) into data that is displayable on the LCD screen 20.

Regarding claim 10, the claimed intermediary unit being capable to add action control code to the television program schedule information, as part of the transcoding from one format to another format is met by the ability of the processor to generate function control signals [col. 6, lines 58-64].

Regarding claim 11, the claimed remote control including control buttons, wherein activation of one of the control buttons activates the action control code added to the television program schedule information is met by control buttons 82 and 50-62 [Fig. 1], which serve to control the EPG operation and send control codes to the transmitter [col. 2, lines 23-26].

Regarding claim 12, the claimed activation of the action control code triggering the generation of a corresponding signal for a control activity, the remote control further

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including a transmitter integrated therewith to transmit the generated signal is met by the processor 110, which serves to receive the program information from the modem or radio receiver and add control information, then the control information is sent to the transmitter for transmission to the television [col. 2, lines 20-41].

Regarding claim 14, the claimed intermediary unit being further capable to remove or add information to the television program schedule information received from the network, as part of the transcoding from one format to another format is met by the processor mechanism 110 and the memory circuitry. The processor mechanism serves to add information such as programming signals to the received information and the memory circuitry stores this information for later use [col. 6, lines 49-64].

Regarding claim 15, the claimed intermediary unit being capable to reformat one of a content, color, text font, layout, organization, or parental control feature of the television program schedule information received from the network, as part of the transcoding from one format to another format is met by the ability to change the display, text, and parental controls [Fig. 7]. The organization, content, and layout can be changed using buttons 82 of Figure 1 which serve to organize the EPG content. The text can be changed using option 15 of Figure 7, and the parental controls can be set using option 5 of Figure 7. All of these options are changed within the processor (which meets the intermediary unit).

Regarding claim 16, the claimed transceiver unit communicatively couple-able to the remote control, the remote control including a transmitter integrated therewith to send signals to the transceiver unit, the signals corresponding to action controls invoked

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on the television program schedule information received from the network is met by the transmitter mechanism that sends signals corresponding to the television scheduling signals from the processor (which were originally received from the network via modem 12) for generating and transmitting the signal for receipt by the television or set top box (which would, as is inherently taught, contain a transceiver to allow for the receipt of the signals) [col. 2, lines 20-41].

Regarding claim 17, the claimed browser in the remote control to display the television program schedule, which is received from the network and transcoded by the intermediary unit, as an electronic program guide on the display device is met by the storage of the programming scheduling signals in the memory circuit for display at the display device. The display of the received signals amounts to that of a browser being used to display the received information [col. 6, lines 47-64].

Regarding claim 18, the apparatus is met as follows:

- The claimed remote control for an interactive television system, the remote control including a browser is met by the remote control of Fig. 1. The remote control serves to control the operation of a television and perhaps a videocassette recorder through the use of a displayable browser on the LCD screen [col. 6, lines 47-64].
- The claimed intermediary unit integrated with the remote control to receive information sent between the browser and a network is met by the processor 110, which serves to process television programming

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information data that is received over the modem connection 12, and send it to the display device and the transmitter for reception at the television.

- The claimed display device integrated with the remote control to display television program schedule information obtainable by the intermediary unit from the network, the intermediary unit capable to modify the obtained television program schedule information to add controls corresponding thereto prior to display of the modified television program schedule information on the display device by the browser is met by the remote control of Figure 1, which contains a display device 20 [Fig. 6]. The display device 20 displays EPG information after the information has been received through modem 12 or radio receiver 122 and sent through the processor for modifying and adding control information [col. 2, lines 21-41].

Regarding claim 19, the claimed remote control comprising a computer is met by the remote control as pictured in Figure 1 and Figure 6, the remote serves as a small computer, including a processor, memory, modem, input and output interfaces and power.

Regarding claim 20, the claimed remote control comprising a wireless device is met by the remote control as pictured on Figure 1 (a wireless remote control).

Regarding claim 21, the claimed control buttons integrated with the remote control, wherein modification of the obtained television program schedule information to add controls corresponding thereto includes transcoding to add action control code

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responsive to the control buttons, wherein activation of one of the control buttons triggers activation of the action control code is met by the ability of the processor to generate function control signals [col. 6, lines 58-64] and the control buttons 82 and 50-62 [Fig. 1], which serve to control the EPG operation and send the control signals to the transmitter [col. 2, lines 23-26]. Finally, the control signals are sent to the transmitter for transmission to the television [col. 2, lines 20-41].

Regarding claim 22, the claimed transmitter integrated with the remote control, wherein activation of the action control code triggers transmission of a corresponding signal from the transmitter is met by the control signals being sent to the transmitter for transmission to the television [col. 2, lines 20-41] upon activation of a control button, which controls the added control signals (see rejection 21 above).

Regarding claim 23, the claimed intermediary unit being capable to modify a request sent from the browser to the network is met by the fact that the remote control is couple-able to the network via a phone line and is able to download updated program information into the browser [col. 1, line 65 – col. 2, line 2].

Regarding claim 24, the system is met as follows:

- The claimed set top box for an interactive television system is met by the television/videocassette recorder control, which could be a STB or two separate entities.
- The claimed remote control for the STB, the remote control including a browser is met by the remote control of Figure 1, wherein the storage of the programming scheduling signals occurs in the memory circuit for

display at the display device. The display of the received and stored signals amounts to that of a browser being used to display the received information [col. 6, lines 47-64].

- The claimed intermediary unit coupled between a network and the remote control to receive information sent between the browser and the network is met by the processor 110, which serves to get EPG data from the network through modem 12, process and then send to the browser for display.
- The claimed display device integrated with the remote control (met by LCD screen 20 [Fig. 6]) to display television program schedule information obtainable by the intermediary unit (met by processor 110) from the network (met by modem 12), the intermediary unit capable to modify the obtained television program schedule information to add controls corresponding thereto prior to display of the modified television program schedule information on the display device by the browser, wherein activation of one of the controls added to the television program schedule information is capable to result in transmission of a corresponding signal from the remote control to the STB is met by the ability of the processor to generate function control signals [col. 6, lines 58-64] and the control buttons 82 and 50-62 [Fig. 1], which serve to control the EPG operation and send the control signals to the transmitter [col. 2, lines 23-26]. Finally, the control signals are sent to the transmitter for transmission to the television [col. 2, lines 20-41].

Regarding claim 25, the claimed transceiver unit communicatively couple-able between the remote control unit and the set top box, wherein the signal is capable of being transmitted from the remote control to the STB via the transceiver unit is met by the transmitter mechanism that sends signals corresponding to the television scheduling signals from the processor (which were originally received from the network via modem 12) for generating and transmitting the signal for receipt by the television or set top box (which would, as is inherently taught, contain a transceiver to allow for the receipt of the signals) [col. 2, lines 20-41].

Regarding claim 26, the claimed activation of another one of the controls being capable to result in transmission of another signal from the remote control to a device different from the set top box is met by the ability for the remote control to send videocassette operating functions to the videocassette recorder [col. 6, line 65 – col. 7, line 4].

Regarding claim 27, the claimed modification of the obtained television program schedule information includes use of a transcoding technique by the intermediary unit is met by the processor's (110) ability to change the format (font, text, content) and update and add control signals to the program information received from the modem before display on the display device [col. 6, lines 58-64].

Regarding claim 28, the claimed method is met as follows:

- The claimed step of obtaining television program schedule information from a network is met by the modem 12, which is connectable to a network to download program schedule information.

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- The claimed step of modifying the obtained information to add controls corresponding to the obtained information is met by the processor 110 and it's ability to generate television signals from the received programming signals and modify the EPG for display and transmission of those signals [col. 6, lines 58-64].
- The claimed step of displaying the modified information having the controls is met by the LCD screen's 20 ability to display the modified EPG with control information and control buttons 82 for transmission of signals to the television or STB.
- The claimed step of transmitting a corresponding signal to a control device responsive to user activation of one of the controls added to the displayed modified information is met by the transmitter's 120 ability to send the aforementioned control signals to the television or STB.

Regarding claim 29, the claimed step of adding controls to the obtained information including adding action control code to a file associated with the obtained information, wherein user activation of one of the controls includes activation of the added action control code is met by the processor mechanism 110 and the memory circuitry. The processor mechanism serves to add information such as programming signals to the received information and the memory circuitry stores this information for later use [col. 6, lines 49-64].

Regarding claim 30, the claimed ability to further modify the obtained information to change a format of the information, add an element to the information, delete an

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element from the information, or change an organization or layout of the information is met by the processor's ability to add control codes [col. 6, line 65 – col. 7, line 4] and the ability for the user to customize the display of the EPG information [Fig. 7].

Regarding claim 31, the claimed step of modifying a request sent from the browser to obtain the television program schedule information from the network is met by the fact that the remote control is couple-able to the network via a phone line and is able to download updated program information into the browser [col. 1, line 65 – col. 2, line 2].

Regarding claim 32, the claimed ability to display the modified information having the added controls for displaying a controllable EPG is met by the ability for LCD screen 20 to display the EPG, which has been downloaded over modem 12, modified by processor 110 and stored in the memory circuitry for use/modification/interaction through the LCD screen and control buttons 82.

Regarding claim 33, the claimed step of transmitting the corresponding signal via a transceiver unit is met by the transmitter 120, which, according to Figure 6, is a transceiver and sending the programming signals to the television for control of the television [col. 6, line 65 – col. 7, line 4].

Regarding claim 34, the claimed article of manufacture is met as follows:

- The claimed machine-readable medium having instructions stored thereon to obtain television program schedule information from a network is met by the ROM 100 and processor 110, which provide the operating system that

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controls the modem 12, which receives programming information over a network.

- The claimed machine-readable medium having instructions stored thereon to modify the obtained information to add controls corresponding to the obtained information is met by, again, the ROM 100 and processor 110, which provide the operating system that has the ability to add television control signals to the obtained information [col. 6, lines 58-64].
- The claimed machine-readable medium having instructions stored thereon to display the modified information having the controls is met by the ROM 100 and processor 110, which provide the operating system that has the ability to control the display control circuit 116 and the LCD screen 20, in order to display the EPG information on the screen.
- The claimed machine-readable medium having instructions stored thereon to transmit a corresponding signal to control a device responsive to user activation of one of the controls added to the displayed modified information is met by the ROM 100 and processor 110, which provide the operating system that has the ability to control transmitter 120, which can send the aforementioned control signals to the television or STB.

Regarding claim 35, the claimed instructions to modify the obtained information to add controls corresponding to the obtained information including instructions to add action control code to a file associated with the obtained information, the action control code capable of activation in response to a user's invoking of an action control is met by

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the processor mechanism 110 and the memory circuitry. The processor mechanism serves to add information such as programming signals to the received information and the memory circuitry stores this information for later use [col. 6, lines 49-64]. Once a control button 82 is activated, the instruction is sent to the television via the IR transmitter.

Regarding claim 36, the claimed machine-readable medium including instructions stored thereon to modify a request to obtain the television program schedule information from the network is met by the fact that the remote control is couple-able to the network via a phone line and is able to download updated program information into the browser [col. 1, line 65 – col. 2, line 2].

Regarding claim 37, the claimed instructions stored on a machine-readable medium to modify a request to display the modified information having the controls as part of an electronic program guide is met by the processor 110 and ROM's 100 abilities to execute an operating system and browser for the display of the modified EPG with control data present and displayable through the LCD screen.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson US patent 5,710,605, cited by applicant, in view of Straub et al US patent 6,216,141, cited by examiner.

Regarding claim 7, the Nelson reference discloses all of that which is discussed above with regards to claim 6. Nelson does not disclose a device in which the network comprises an Internet and wherein the television program schedule information is received by the remote control from a web site on the Internet. Straub et al disclose a client computer that receives a channel guide in the form of an HTML page over an Internet connection [Abstract and col. 2, lines 20-27]. It would have been obvious to one of ordinary skill in the art at the time of the invention to download the EPG in HTML format from the network known as the Internet using the remote control of Nelson, in order to allow the user to have greater flexibility (because the Internet is simply a large network) and more accurate information in a standard format.

Regarding claim 13, the Nelson reference discloses all of that which is discussed above with regards to claim 10. Nelson does not disclose that the television program schedule information comprises part of a HTML page, and wherein the action control code comprises JavaScript. Straub et al disclose a client computer that receives a channel guide in the form of an HTML page with Javascript control codes embedded into the page [col. 2, lines 20-27]. It would have been obvious to one of ordinary skill in the art at the time of the invention to download the EPG in HTML format with Javascript functions for executing the control code using the remote control of Nelson, in order to

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allow the user to have accurate information in a standard, more controllable and customizable format.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maa US patent 5,818,935 discloses a system that delivers an EPG in HTML format.

Darbee et al US patent 6,130,726 disclose a system that delivers an EPG to the user remote display.

Huang et al US patent 6,437,836 disclose a system that uses a PDA to interact with a TV or STB and provide an EPG to the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Shannon whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 7:30-5:00, alternate Friday's off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
October 19, 2004


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600